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DM

ALAN R. King Jr.

08297-028

MILAN Federal Correctional Institution

P.O. Box 1000

Milan, MI 48160

Case: 2:09-cv-12719
Judge: Zatkoff, Lawrence P
MJ: Scheer, Donald A
Filed: 07-09-2009 At 05:06 PM
PRIS ALAN KING V UNITED STATES GOVE
RNMENT (LG)

United STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

ALAN R. King Jr, Plaintiff

Civil Case NO:

v

United States Government

COMPLAINT FOR DAMAGES

This is a complaint for compensatory damages brought under 28 U.S.C. § 2671, Federal Tort Claim Act, in connection with the unprovoked assaults on Plaintiff Alan R. King Jr, a prisoner that was housed at the Forrest City Federal Correctional Institution Low, ARK, by Government Employee Steven Melton, Federal Prison Correctional Officer. The assaults on plaintiff was a violation of his Constitutional rights under the Eight Amendment's prohibitions against Cruel and Unusual Punishment and the Due Process Clause of the Fourteenth Amendment. Plaintiff files prose.

1. Jurisdiction.

This case is brought pursuant to 28 U.S.C. section 2671 because Plaintiff constitutional rights were violated which caused him to suffer physical and emotional damages by a Federal employee which the Federal Tort Claim Act prohibits. The Plaintiff has presented claim through the Administrative Claim Process with the appropriate agency and it has been denied. (See Exhibit A, B)

2. Parties

Plaintiff Alan R. King Jr is a Federal prisoner of the Milan Federal Correctional Institution in the custody of the Federal Bureau of Prisons.

3. Defendant United States Government, section 2679 (b) provides that the United States is the only defendant in Federal Tort Claim Act case.

STATEMENT OF FACTS

4. In April of 2008 Officer Steven Melton kicked plaintiff in the right leg for saying something to the officer that he didn't like.

5. The skin was broken on plaintiff right leg as a result of the kick from the officer.

6. One day in the month of May 2008 Officer Steven Melton came into work upset from family problems and when plaintiff refused officer Melton's demands the officer grabbed the plaintiff and locked his arm in some sort of martial art position.

7. When Plaintiff tried to get out of the position Officer Melton

slammed it against the desk.

8. In the month of May 2008 officer Steven Melton grabbed the plaintiff genital area.

9. The Officer then demanded that the Plaintiff grab his genitals and massage them.

10. On three separate occasions during the month of May 2008 Officer Steven Melton would grab plaintiff genital area and demand that Plaintiff grab and massage his genitals and penis.

11. Over the months of April thru September 2008 officer Melton would refer to Plaintiff as his "Bitch" or "Boo", a term of endearment used for lovers.

12. One day Officer Melton referred to Plaintiff as his "Black Bitch" in front of Officer Gardner.

13. There were several times in the month of April and May of 2008 that Officer Melton would make references to Plaintiff about bending him over the desk and having anal sex with Plaintiff.

14. Officer Melton started extorting Plaintiff for money to purchase a Bass Boat and other fishing supplies.

15. Officer Melton stated to Plaintiff if demands were not met that Plaintiff would have safety concerns on the compound and would be hurt.

16. One day Officer Melton was working H.C. unit and emailed my unit officer B. Leathers to tell his "Bitch" to come see him in his unit.

17. Plaintiff was instructed by officer Leathers to go see Officer Melton in H.C. unit.

18. That day Officer Leathers and Melton were emailing each other back and forth about all the sexual things that officer Melton was gonna have me doing.

19. Plaintiff left hand injury was first reported to S.I.S. in June 2008 but went untreated.

20. S.I.S. authorities would not treat Plaintiff left hand injury because they didn't want to jeopardize investigation.

21. Medical records show no report done until 9/15/2008.

22. In February 2008 Plaintiff was seen by a Specialist who determined that Plaintiff had suffered a Chronic Strain to left wrist.

23. In June of 2008 Plaintiff reported all the allegations against officer Melton to S.I.S. authorities at Forrest City.

24. The D.I.G.'s office joined in the investigation as a result they set up a controlled sting with my family member to exchange the checks that officer Melton was extorting me on.

25. On September 15, 2008 Officer Melton was apprehended and terminated and he admitted to several administrative violations.

26. Officer Melton also admitted to authorities that he injured Plaintiff left hand.

27. On September 15, Plaintiff was removed from Forrest City Low Compound and placed in special housing at the Medium under protective custody.

28. On September 18, 2008 Plaintiff was transferred to Milan F.C.I. Low due to cooperation with the investigation against the staff member.

CLAIM FOR RELIEF

29. The unprovoked physical and sexual assaults on plaintiff by defendant, violated his rights and constituted cruel and unusual punishment under Eighth Amendment of the U.S. Constitution.

30. The unprovoked physical and sexual assaults on plaintiff by defendant, violated the Due Process Clause of the Fourteenth Amendment of the U.S. Constitution.

31. The refusal of the defendant to seek medical treatment promptly after learning of injuries plaintiff sustained constitute deliberate indifference to plaintiff medical needs in violation of the Eighth Amendment of U.S. Constitution.

32. The unprovoked extortion on plaintiff by the defendant violated his rights under Equal Protection Fourteenth Amendment of the U.S. Constitution.

33. The Plaintiff was retaliated against by defendant for bringing claim against officer. Plaintiff was thrown in the SHU lock-up from 1-31-09 - 2-8-09 for no reason by staff.

34. The defendant has caused the Plaintiff a considerable amount of physical and emotional injuries that continue and will probably last throughout Plaintiff entire life.

Wherefore, Plaintiff prays for relief as follows:

35. The Court enter judgement declaring the acts the defendant did to violate the rights of Plaintiff under Eighth and Fourteenth Amendments of U.S. Constitution.

36. That the Court award compensatory damages to plaintiff in the amount of two million dollars. (2,000,000)

37. That the court grant such other further relief to plaintiff as it deems appropriate.

Alan R. King Jr.

ALAN R. King Jr. #08297028

Federal Correctional Institution

P.O. Box 1000

Milan, MI 48160

June 28, 2009

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CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008 EXPIRES 6-30-01	
1. Submit To Appropriate Federal Agency: U.S. Department of Justice Bureau of Prisons Regional Office 4211 CEDAR SPRINGS, Suite 300 Dallas, TEXAS 75219		2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, Street, City, State, and Zip Code) ALAN R. KING #08297-028 FBI MILAN Box 1000 MILAN, Michigan 48160			
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input type="checkbox"/> CIVILIAN	4. DATE OF BIRTH May 16, 1977	5. MARITAL STATUS Single	6. DATE AND DAY OF ACCIDENT 4/08 - 9/08	7. TIME (A.M. OR P.M.)	
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place occurrence and the cause thereof.) (Use additional pages if necessary.) Starting approximately the month of April Correctional Officer Steven Melton was working the unit that I was housed in at the Forrest City AR JAIL (M-D) I approached officer Melton to request a cop-out form from him and at that time officer Melton was listening to music on his computer. I started singing the lyrics to the song and officer Melton could not believe that I knew the words to the song that he was playing. So					
9. PROPERTY DAMAGE NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code)					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE, AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See instructions on reverse side.)					
10. PERSONAL INJURY/WRONGFUL DEATH STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT. 1. Physical injury to my left hand & wrist. Can't bend it down or up all the way. Extreme amounts of pain in it. Not sure if it's fractured or ligaments torn because they still haven't treated it. 2. Emotional & Mental duress. Undue hardship caused by officer Melton abuse and with the mishandling of this investigation by the BOP SIS & OIG office.					
11. WITNESSES					
NAME		ADDRESS (Number, Street, City, State, and Zip Code)			
Steven Melton Officer Gardner Officer Upenlander Officer Chapman Officer T. White Officer Cathey		Forrest City FCJ - Forrest City AR 72336 Forrest City FCJ - Forrest City AR 72336 All Additional page			
12. (See instructions on reverse.) AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE	12b. PERSONAL INJURY	12c. WRONGFUL DEATH	12d. TOTAL (Failure to specify may cause forfeiture of your rights.)		
	\$2,000,000		\$2,000,000		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE ACCIDENT ABOVE AND AGREE ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) Alan R. King		13b. Phone Number of Signatory		14. DATE OF CLAIM 9-29-08	
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant shall forfeit and pay to the United States the sum of not less than and not more than \$10,000, plus 3 times the amount of damages sustained by the United States. (See 31 U.S.C. 3729.)		CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Imprisonment for not more than five years and shall be subject to a fine of not more than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the United States. (See 18 U.S.C.A. 287.)			

95-108

Previous editions not usable

NSN 7540-00-634-4046

STANDARD FORM 95 (Rev. 7-85)
PRESCRIBED BY DEPT. OF JUSTICE
28 CFR 14.2

Exhibit "A"

at that time Officer Melton made a bet with me. (He assumed because I was Black and the song he was playing was hard rock that I wouldn't know it.) He bet that I couldn't name the artist of the next song he was about to play, if I won he would give me some of his personal chewing gum, if he won then he would determine later what he would want me to do or give. (At least that's what he said.) So he played the song and I won the bet and Officer Melton gave me 2 pieces of his chewing gum. For the rest of that evening I sat in the office with Officer Melton exchanging personal stories and laughs. Officer Melton told me that I wasn't like any of the other inmates there, (meaning the Black ones.) He said I was different. I asked Officer Melton if he was racist in a joking way and he laughed and said no. He said he didn't have anything against anybody that he didn't like. "Niggers" and that niggers could be any race. We continued to talk until it was time for Officer Melton to go home. Over the next few weeks the same scene was played out, I would meet Officer Melton at whatever unit he was working and would stay and talk with him the whole evening. During these weeks, Officer Melton would bring me in gum, candy, and food all the time. Our talks started getting a lot more personal and more in depth. Officer Melton really started to make me feel good about myself because I sort of felt all alone at this prison facility. I made Officer Melton aware of how nice that it was and how I usually wear my heart on my sleeve which usually allow people to walk over me. I also explained to him about being so far away from my family and loved ones and I felt abandoned. Officer Melton just continued to treat me very nice and special to where I felt that it was too good to be true. So one day I asked Officer Melton "why me". Why was he treating me so special and sharing all these things with me, etc. Officer Melton told me

that I was the friend that he always wanted. How he only hung out really with his younger brother outside of his wife and step children. Officer Melton stated that he felt sorry for me how my friends and associates use to take advantage of me just because my father was rich. At first it had struck me as odd that Officer Melton would say that but I remembered in one of our first conversations I was telling Officer Melton why I was incarcerated (the crimes I committed) and how I spent all the money I did because people thought my dad owned Kings Pharmaceuticals and that he spoiled me. So as Officer Melton went on to explain why he liked me I felt like there was something sincere and special about what he was saying. He told me that as an officer he would never allow anything to happen to me. That he was my protector. Officer Melton asked me have I ever loved a man before and I asked him why. I asked him if he loved me. Melton just smiled and said maybe, voice pretty cool. At that point and time I was confused but felt something special for him for him doing all the wonderful things for me and being such a good friend. It was at that moment Officer Melton told me that he loved me. It was an awkward moment for the both of us. Over the next days Officer Melton would monitor my account to see who sent me money, what phone calls I would make etc. One day I went to see Officer Melton and I was having a bad day. I said something out of the way to him that he didn't like and Officer Melton kicked me in my right leg (shin area) breaking the skin. He apologized for it but that was a side to him that I had never saw and it wouldn't be the last. There was another day when Officer Melton came to work and he was in a bad mood because of something to do with the wife and step daughter going behind his back to stay over at a friends house or something of that nature. Like the time he kicked me I said something to make him mad

and officer Melton grabbed me, locked my arm (left one) in some sort of martial art position. While it was in the locked position officer Melton punched my left hand and wrist area. Immediately I let out a loud-moan. My hand instantly swelled up. Officer Melton wouldn't let me leave from the office right then and kept apologizing and telling me that he loves me. He just kept on apologizing and saying that he didn't mean to hurt me like that and just kept looking at it to make sure that it wasn't broke. That day Melton and I discussed some minor debt that I was in and ways to make things easier for me on the compound. Shortly after that I was approached by some inmates on the compound about getting some tobacco and X-rated magazines in from officer Melton. These inmates stated that they knew of Melton's and I personal relationship and that I need to get this done. The way it sounded to me was like officer Melton had already talked with these other inmates. So I talked with officer Melton and he stated that he had an alliance with the gang Pieces (Mexican group) so if anything jumped off at our facility that they would have his back. I informed officer Melton that some inmates had approached me about getting tobacco. Melton asked me how much did I need, I told him that I wasn't sure. Within the next couple of days officer Melton brought in 1 pack of Marlboro lights 100's and gave them to me. He stated that this should help out with the inmates on my back. I talked with officer Melton that same day and told him that ~~these~~ pack of Marlboro lights were not any good to the people who wanted the tobacco and that it needed to be menthol pouch tobacco. The next day officer Melton brought me in a pack of Kools tobacco menthol. He told me that he wasn't going to bring anything else in until

he got his gift card from me to Bass Pro Shop in Memphis. Officer Melton also kept demanding information out of me as to when I was going to buy him a boat or rather have my father's company buy it. I pleaded with Officer Melton because I could tell that he was starting to get very angry and I didn't want to get him up set because I know how physical he can be. Officer Melton told me he would bring me in some pouch tobacco but he had to ^{be} very careful as to where he could purchase it since he didn't smoke he said the FBI usually check local stores around prisons. That next week Officer Melton brought me in 4 Kite tobacco pouches, that following week he brought 4 more Kite tobacco pouches. Officer Melton stated that he wasn't going to bring anything else in until he got his boat and that I better not be fucking around with him because he had those Mexican Pieces on his side and he'll let them get after me. Over the course of this time Officer Melton would touch or grab my genitals and would have me do the same to his. There were 3 occasions where Officer Melton would instruct me to rub his "BIG BALLS" and dick. Usually this was done through the pants. One time Officer Melton punched me in the nose right in front of another Correctional Officer. (Gardner) Officer Melton would address me as his "Bitch" or "BOO", (a term of endearment used for lads) in front of Correctional Officers and inmates. There was a couple of times Officer Chapman told me that whatever Melton and I have going on is sick and wrong. As weeks of all of this went on I could no longer take the physical, emotional, and mental abuse. I decided to go to ~~the~~ S.I.S at our compound. I knew that if I didn't give in anymore to Officer Melton's demands that he would get those pieces or whatever else was on his side after me. After

I contacted S.I.S. they started their investigation and then soon after I was dealing with Rachel Hart out of the O.T.G.'s department. We discussed in full detail what Officer Melton had been doing, his actions, etc. We also talked about ways to get him on tape, wire, marked money, everything. The O.T.G. agent Hart was made aware of emails that Officer Melton was carrying on with my fiance. (whom he thought was my sister) These emails were his way a reassuring and working out getting his boat. Over the course of this Agent Hart worked out some deal to have my fiance and 1 year old daughter to fly out and visit me and while out there meet with Officer Melton at a local Burger King where my fiance would have on a wire, video camera device and what not. I don't know all the ins and outs of the meeting but I do know Officer Melton accepted checks he thought were for his boat and extra side money, and that when agent Hart and other intercepted he tore them up. During their interviewing Officer Melton admitted to hitting my hands and about the boat and ~~on~~ he denied some things, but he admitted to enough "Administrative Violations" that he instantly resigned. Once that happened I was taken off the Forrest City low compound and eventually transferred to Milan Low. I was told that because of my cooperation that I would go to a camp and that a recommendation would be made for a Rule 35 fine reduction. I didn't end up at a camp I was transferred to another low which I felt that this whole entire ordeal has put me in some sort of possible danger. I had explained to the O.T.G. agent Hart that it would be a lot safer for me at a Camp because usually inmates there aren't trying to cause problems. All of this has caused more mental anguish and emotional stress.

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Additional Witness

Rachel Hart	OLG OFFICE	Dallas Texas
SIS Thomas	Forrest City FCI	Forrest City AR 72336
SIS Thompson	=	=
SIS Smith	=	=
SIS Boothe	Forrest City Medium	Forrest City AR
Officer B. Leathers	Forrest City FCI	Forrest City AR 72336
Lt. Steels	=	=
Officer Grady	=	=
Counselor Ortiz	=	=
Officer Hodges	=	=



U.S. Department of Justice

Federal Bureau of Prisons

South Central Regional Office

MAR 20 2009

4211 Cedar Springs Road, Suite 300
Dallas, Texas 75219

CERTIFIED MAIL

Alan King
Reg. No. 08297-028
Federal Correctional Institution
P.O. Box 1000
Milan, MI 48160

Re: Administrative Tort Claim No. TRT-SCR-2009-00620

Dear Mr. King:

Your claim has been considered for administrative settlement under the Federal Tort Claims Act, Title 28, United States Code, Section 2672 et seq., and authority granted by Title 28, Code of Federal Regulations, Section 0.172. You claim government liability in the amount of two million and 00/100 dollars (\$2,000,000.00) for alleged personal injury.

Section 2672 of the Federal Tort Claims Act delegates to each Federal agency the authority to consider, determine and settle any claim for money damages against the United States for loss of personal property or injury caused by the negligent or wrongful act or omission of any employee of the agency while acting within the scope of his office or employment.

You claim that at some point between April 2008 and September 2008, a staff member at the Federal Correctional Complex (FCC) in Forrest City, Arkansas, committed misconduct and deliberately injured your left hand and wrist, resulting in pain and loss of range of motion. You further allege staff failed to provide medical treatment for your injury.

An investigation into your claim revealed the first time you presented complaints of left wrist pain to FCC Forrest City staff was September 15, 2008. On that date, staff examined you, noted no redness or swelling and advised you to take over the counter pain medication. On October 31, 2008, staff at the Federal Correctional Institution in Milan, Michigan, examined you and noted you had a full range of motion in your left hand. On November 4, 2008, x-rays of your left hand were completed and revealed normal results.

Exhibit "B"

SENSITIVE BUT UNCLASSIFIED

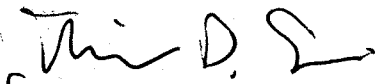
KING, Alan
Reg. No. 08297-028
TRT-SCR-2009-00620
Page 2

There is no evidence to support your claim of negligence. Bureau of Prisons staff examined you after you requested medical treatment and conducted diagnostic testing to assess your condition.

Because no evidence indicates that you suffered any injuries caused by the negligent or wrongful acts or omissions of any government employee acting within the scope of his or her employment, your claim is denied.

You are advised that if you are dissatisfied with our determination in this matter, you are afforded six (6) months from the date of the mailing of this communication within which to bring suit in the appropriate United States District Court.

Sincerely,



Jason A. Sickler
Regional Counsel

JAS/pi

cc: T. C. Outlaw, Warden
FCC Forrest City

CIVIL COVER SHEET FOR PRISONER CASES

Case No. <u>09-12719</u> Judge: <u>Lawrence P. Zatkoff</u> Magistrate Judge: <u>Donald A. Scheer</u>	
Name of 1st Listed Plaintiff/Petitioner: ALAN KING	Name of 1st Listed Defendant/Respondent: UNITED STATES GOVERNMENT
Inmate Number: 08297-028	Additional Information:
Plaintiff/Petitioner's Attorney and Address Information: 	
Correctional Facility: FCI Milan Federal Correction Institution P.O. Box 1000 Milan, MI 48160 WASHTENAW COUNTY	

BASIS OF JURISDICTION

- ☐ 2 U.S. Government Defendant
☒ 3 Federal Question

ORIGIN

- ☒ 1 Original Proceeding
☐ 5 Transferred from Another District Court
☐ Other:

NATURE OF SUIT

- ☐ 530 Habeas Corpus
☐ 540 Mandamus
☒ 550 Civil Rights
☐ 555 Prison Conditions

FEE STATUS

- ☒ IFP *In Forma Pauperis*
☐ PD Paid

PURSUANT TO LOCAL RULE 83.11**1. Is this a case that has been previously dismissed?**

- ☐ Yes ☒ No

➤ If yes, give the following information:

Court: _____

Case No: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

- ☐ Yes ☒ No

➤ If yes, give the following information:

Court: _____

Case No: _____

Judge: _____